



APR 29 2005

05-02-05

PTO/SB/21 (09-04)

**TRANSMITTAL  
FORM**

*(to be used for all correspondence after initial filing)*

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/688,017	
	Filing Date	October 13, 2000	
	First Named Inventor	Lu, Peter S.	
	Art Unit	1644	
	Examiner Name	Belyavskyi, Michail A.	
	Total Number of Pages in This Submission	12	Attorney Docket Number

**ENCLOSURES** *(Check all that apply)*

<input checked="" type="checkbox"/> Fee Transmittal Form - 1 pg in duplicate (2 pgs total)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Resubmission of Application for Patent Term Extension (3 pgs)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Exhibits to Resubmission 1, 2 and 3 (4 pgs); Copy of Decision (2 pgs); and Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Mark G. Sandbaken, Ph.D.		
Date	4/29/05	Reg. No.	39,354

# **CERTIFICATE OF TRANSMISSION/MAILING**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on April 29, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Jordan Magat
Date	04/29/2005



Effective on 12/08/2004.  
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$200)

**Complete if Known**

Application Number	09/688,017
Filing Date	October 13, 2000
First Named Inventor	Lu, Peter S.
Examiner Name	Belyavskyi, Michail A.
Art Unit	1644
Attorney Docket No.	020054-001110US

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description Small Entity  
Fee (\$) Fee (\$)

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100  
Multiple dependent claims 360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
-20 or HP = _____	x _____	= _____		<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

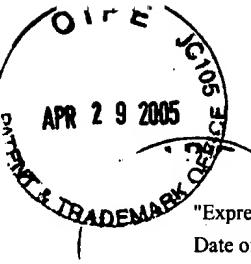
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) \_\_\_\_\_

Other: Request for Patent Term Extension 200 \_\_\_\_\_

**SUBMITTED BY**

Signature		Registration No. 39,354 (Attorney/Agent)	Telephone 650-326-2400
Name (Print/Type)	Mark G. Sandbaken, Ph.D.		Date April 29, 2005



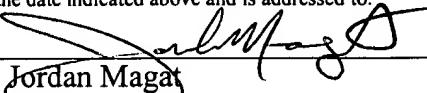
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Date of Deposit April 29, 2005

**PATENT**

Docket No.: 020054-001110US

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By:

  
Jordan Magat

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Peter S. Lu et al.

Application No.: 09/688,017

Filed: October 13, 2000

For: METHOD OF DETERMINING  
INTERACTIONS WITH PDZ DOMAIN  
POLYPEPTIDES (AMENDED)

Examiner: Belyavskyi, Michail A.

Art Unit: 1644

**RESUBMISSION OF APPLICATION  
FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705**

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Application for Patent Term Adjustment, and to the Notice of Allowance and Fee(s) Due, mailed December 16, 2004, and in accordance with 37 C.F.R. § 1.705, Applicants respectfully request re-consideration of the application for patent term adjustment.

**Statement of Facts- 37 C.F.R. § 1.705(b)(2)**

**(i) Correct Patent Term Adjustment and Basis**

Applicants respectfully submit that the correct patent term adjustment is +42 days.

The patent term adjustment calculated by the U.S. Patent and Trademark Office ("PTO"), as stated in the Notice of Allowance and Fee(s) Due ("Notice of Allowance") was zero days. That calculation, however, did not include an adjustment under 37 C.F.R. § 1.702(b) for failure to

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issue a patent within three years after the filing date. In particular, under 37 C.F.R. § 1.702(b), the patent term adjustment includes the number of days, if any, in the period beginning on the day after the date that is three years after the filing date, but does not include, e.g., any periods starting from the date a request for continued examination (“RCE”) of the application under 35 U.S.C. § 132(b) was filed.

**(ii) Relevant Dates**

The above-identified application was filed October 13, 2000. The start of the patent adjustment period under 37 C.F.R. § 1.702(b) was October 13, 2003, three years after the filing date. An RCE was filed for this application on January 28, 2004. The application was pending the entire time from October 13, 2000 through January 28, 2004. Thus, the 106 day period from October 14, 2003 to January 27, 2004, should have been considered when determining the patent term adjustment. Copies of postcards stamped with the application filing date and the RCE filing date are enclosed herewith as Exhibits 1 and 2, respectively.

As indicated on the PAIR Patent Term Adjustment History, enclosed herewith as Exhibit 3, the Patent Office did not credit Applicants for this 106 day period when determining the patent term adjustment. Recalculation of the patent term adjustment using the 106 day period discussed above results in a 42 day patent term adjustment, as follows:

Event	PTO Delay (Days)	Appl Delay (Days)
01-27-2004 Failure to issue patent within three years of filing date (10-13-2000)	+106	
10-06-2004 Response after Non-Final Action		-92
05-19-2003 Response after Non-Final Action		-89
07-01-2002 Mail Restriction Requirement	+200	
06-04-2002 Response to a Letter to Comply with the Sequence Rules		- 83
<b>Total</b>	<b>+306</b>	<b>-264</b>
<b>Total Adjustment: +42 days</b>		

**(iii) Terminal Disclaimer**

This application is not subject to a terminal disclaimer.

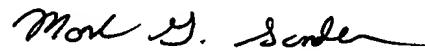
**(iv) Circumstances**

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for re-consideration of the application for patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Mark G. Sandbaken, Ph.D.  
Reg. No. 39,354

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
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USPS OCT 13 2000

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailing Date: October 13, 2000 Express Mail Label No.: EL496154775US  
File No.: 020054-001110US Attorney: RTA/djb  
Serial No.: Not Yet Assigned Filed: October 13, 2000  
Inventor(s): Lu, et al.  
Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS

1. Non-provisional Patent Application (141 pages of specification, 5 pages of claims, 1 pages of informal drawings, 1 page of abstract and 1 title page).
2. Transmittal Letter;
3. Unsigned Declaration & Power of Attorney;
4. Postcard.

JC860 U.S. PTO

09/688017



10/13/00

Please stamp the date of receipt of the enclosed documents and return this card to addressee  
PA 3103302 v1

NOV 14 2000

EL496154775US

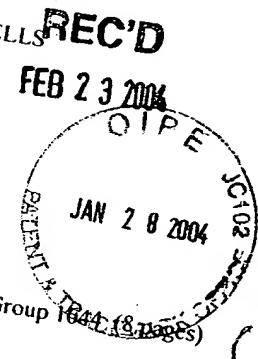
PTO Stamp indicates receipt of:  Patent Matter  
Application Docket No.: 020054-001110US  Trademark Matter  
Applicant: LU et al.  
Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS  
Serial/Reg. No.: 09/688,017  
Filed/Issued Date: October 13, 2000

**LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:**

1. Transmittal Form
2. Fee Transmittal
3. Petition for Extension of Time Under 37 CFR 1.136(a)
4. Request for Continued Examination (RCE) (2 pages)
5. Amendment Under 37 CFR 1.116 Exp[edited Procedure Examining Group 1644 (8 pages)]
6. Interview Summary (2 pages)

Initials: SLA/tnd

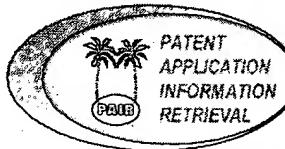
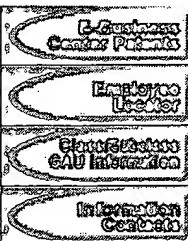
Express Mail No.: EV 325767658 US



Date: January 28, 2004



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**PATENT APPLICATION INFORMATION RETRIEVAL**[PAIR](#)[FAQ](#)[Help](#)[Feedback](#)**Other Links**
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**Patent Term Adjustment (PTA) for application number: 09/688,017**

			Days
Filing or 371(c) Date:	10-13-2000	USPTO Delay (PTO):	200
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	264
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

 Assignments  
 Continuity Data  
 Display References  
 File History  
 Image File Wrapper  
 Publication Review

**Patent Term Adjustment History**

Date	Contents Description	PTO (days)	APPL (days)
12-16-2004	Mail Notice of Allowance		
12-13-2004	Notice of Allowance Data Verification Completed		
12-13-2004	Issue Revision Completed		
12-13-2004	Notice of Allowability		
10-06-2004	Information Disclosure Statement (IDS) Filed		
10-06-2004	New or Additional Drawing Filed		
10-20-2004	Date Forwarded to Examiner		
10-06-2004	Response after Non-Final Action		92
10-06-2004	Request for Extension of Time - Granted		
10-06-2004	Workflow incoming amendment IFW		
10-04-2004	Mail Examiner Interview Summary (PTOL - 413)		
09-29-2004	Examiner Interview Summary Record (PTOL - 413)		
06-18-2004	Reference capture on IDS		
06-18-2004	Information Disclosure Statement (IDS) Filed		
04-06-2004	Mail Non-Final Rejection		
04-05-2004	Non-Final Rejection		
01-30-2004	Reference capture on IDS		
01-30-2004	Information Disclosure Statement (IDS) Filed		
02-17-2004	Date Forwarded to Examiner		
01-27-2004	Request for Continued Examination (RCE)		
	DISPOSAL FOR A RCE/CPA/129 (express abandonment if		

02-17-2004	CPA)	
01-27-2004	Request for Extension of Time - Granted	
02-09-2004	IFW Amended case processing Complete	
02-09-2004	Reference capture on IDS	
01-30-2004	Information Disclosure Statement (IDS) Filed	
01-26-2004	Workflow - Request for RCE - Begin	
12-02-2003	Examiner Interview Summary Record (PTOL - 413)	
07-28-2003	Mail Final Rejection (PTOL - 326)	
07-28-2003	Final Rejection	
06-02-2003	Date Forwarded to Examiner	
05-19-2003	Response after Non-Final Action	89
05-19-2003	Request for Extension of Time - Granted	
05-31-2003	Case Docketed to Examiner in GAU	
11-19-2002	Mail Non-Final Rejection	
11-18-2002	Non-Final Rejection	
09-10-2002	Date Forwarded to Examiner	
09-03-2002	Response to Election / Restriction Filed	
09-03-2002	Request for Extension of Time - Granted	
07-01-2002	Mail Restriction Requirement	200
07-01-2002	Requirement for Restriction / Election	
06-27-2002	CRF Is Good Technically / Entered into Database	
06-14-2002	Date Forwarded to Examiner	
06-04-2002	Response to a Letter to Comply with the Sequence Rules	83
06-04-2002	Request for Extension of Time - Granted	
12-13-2001	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)	
12-12-2001	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted	
09-02-2001	Case Docketed to Examiner in GAU	
05-03-2001	Case Docketed to Examiner in GAU	
02-02-2001	Application Dispatched from OIPE	
02-02-2001	Application Is Now Complete	
11-28-2000	Notice Mailed--Application Incomplete--Filing Date Assigned	
11-28-2000	Correspondence Address Change	
10-30-2000	IFW Scan & PACR Auto Security Review	
10-13-2000	Initial Exam Team nn	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 SAN FRANCISCO CA 94111-3834

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APR 26 2005

*Response Due* 05/26/05

OFFICE OF PETITIONS

In re Application	:	
Lu, et al.	:	
Application No. 09/688,017	:	DECISION ON APPLICATION
Filed: October 13, 2000	:	FOR PATENT TERM ADJUSTMENT
Atty Docket No. 20054-001110US	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed February 23, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to forty-two (42) days.

The application for patent term adjustment under § 1.705(b) is DISMISSED. Applicants did not pay the required \$200 PTA fee, and as such, the Office will not look into the matter on the merits. Applicants are given **THIRTY (30) DAYS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Please note that The Office will hold in abeyance any request that additional PTA be accorded for the failure to issue the patent within three years until after the patent issues, even where applicants filed an RCE.<sup>1</sup>

<sup>1</sup> Applicants should note that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period of pendency before the Office except for periods excluded under 35 U.S.C. (b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in

Application No. 09/688,017

Page 2

The application file is being forwarded to the Office of Patent Publication for timely issuance of the patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

*Karin Ferriter  
for  
4/28*

Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy